

means. Therefore, the function of the sealing means is clearly stated.

The Examiner has also objected to the hierarchy of the claims. Applicant does not understand this objection and requests withdrawal of the objection. Claim 1 is an independent claim with claims 2-4 and 6-9 in each instance depending directly therefrom or from an intervening claim depending from claim 1, as is proper. Claims 11 and 12 are claims which depend from independent claim 10, claim 12 depending directly from claim 11 which depends from claim 10.

The rejection of claims 1-3, 10 and 11 under 35 U.S.C. 103 (a) as unpatentable over Cheiten in view of Gross is traversed.

Cheiten does not include seals, as specified in present claims 1-3, 10, 11 and the remaining claims in the present application. Therefore, the plunger of Cheiten does not and cannot perform the sealing functions of the present claimed plunger and is structurally and patentably distinct therefrom.

The addition of the seals of Gross to the plunger of Cheiten would not serve to render claims 1-3, 10 and 11 unpatentable. Gross, as has been pointed out in the discussion forming part of the prior art statement accompanying this application, has a series of three small seals of equal dimensions disposed on the external surface of the force cup, the lower two seals being of equal diameter.

These three seals of Gross do not meet the description of the sealing means claimed in present claims 1-3, 10 and 11, nor for that matter the sealing means claimed in the present claims 4, 6-9 and 12.

In this regard, present claims 1-4 and 6-12 specify that the sealing means comprise an upper first ring (32) depending from the lowermost pleat, a bulbous annular curved second ring (36) depending from the first ring and spaced inwardly therefrom and a third bottom ring secured to the underside of the second seal (ring), smaller in diameter than the second ring and forming the bottom of the plunger. This third seal has an upper bulbous annular ring portion (40) and a lower portion (42) having a short vertical sidewall of smaller diameter than the upper portion of the third ring. This is set out in claim 6. Claim 7 further specifies that the second ring is of substantially greater height than the first and third rings and of a continuously curved bulbous shape with its lower end of less diameter than its upper end.

Claims 10-12 describe the seals as being ring-shaped, vertically spaced and of progressively smaller diameter from the uppermost ring to the lowermost ring.

The shape, size and location of the three sealing rings in the present claims assures that the claimed plunger will efficiently seal against a toilet or sink drain hole regardless of the shape of the hole, thereby providing a more effective suction and driving force for the plunger when it is operated to clear the drain hole. This is not shown nor can it be inferred by one ordinarily skilled in the art when viewing together the

cited references Cheiten and Gross, nor for that matter the remaining cited references, none of which disclose sealing rings of the shape, size and function of three sealing rings of the present claimed plunger. Accordingly, claims 1-3, 10 and 11 are clearly patentable over Cheiten in view of Gross.

The rejection of claims 1-4 and 10-12 under 35 U.S.C. 103 (a) as unpatentable over Cheiten in view of Gross and Tash is traversed for the reasons specified in the discussion above of the rejection based on Cheiten in view of Gross. Figure 5 of the drawings in the present application demonstrates how the two lower seal rings efficiently engage the surfaces defining the drain hole to be plunged by the present claimed plunger. This sealing engagement clearly would not be possible with the small uniform diameter sealing rings of Gross, if they were added to the Cheiten plunger. Moreover, although Tash does show a pleated bellows, it does not show the three sealing rings of the present claims, their size, shape and relative location. Accordingly, there is no disclosure whatsoever which is structurally similar to the present claimed sealing rings and none of the cited references disclose plungers which perform as does the present claimed plunger to efficiently seal a drain hole regardless of its particular contours.

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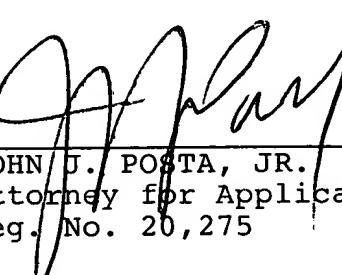
It should be noted that the plungers of the cited references are incapable of being used efficiently on both sink drain holes and toilet drain holes, particularly toilet drain holes of drastically different configurations, such as are shown in Figure 4 of the present drawings. The plunger of present claims 1-4 and 6-12 provides this unique ability for the first time and is a substantial advance in the plunger art. Accordingly, claims 1-4 and 6-12 are clearly patentable over each of the cited references and any proper combination thereof.

The rejection of claims 6-9 under 35 U.S.C. 103 (a) as unpatentable over Cheiten in view of Gross, Tash and Lacey, et al., is traversed for the reasons set forth above with respect to the prior described rejections. The vertical guide portion of Lacey, et al., has no effect on the patentability of the present claims. Neither Lacey, et al., nor Cheiten discloses or infer the sealing rings of the present claims. If Cheiten were modified to provide a vertical guide portion and the rings of Gross were added thereto, such rings would be small and all of the same diameter, in total contrast to the present claimed ring seals of the present application. Moreover, they could not provide the sealing efficiency of the present claimed rings for toilet and sink drain holes of various configurations. Clearly, the sealing rings of present claims 1-4 and 6-12 render those claims patentable.

It should also be noted that the present claimed sealing rings are clearly and adequately described and claimed and rings analogous in size, shape, location and function are not shown in any of the cited references. Accordingly, claims 1-4 and 6-12 are patentable over the cited art. Locke has no such rings nor does it have a structure generally similar to the present claimed structure and therefore it has no effect on the patentability of claims 1-4 and 6-12.

In view of the foregoing, reconsideration of the present application and allowance of claims 1-4 and 6-12, as amended, are respectfully requested.

Respectfully submitted,


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